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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Richard TAYLOR et al.	Conf.:	2149
Serial No.:	09/521,663	Art Unit:	2624
Filed:	March 8, 2000	Examiner:	K. Poon
For:	PRINTING OF DOCUMENTS FROM A COMPUTER		

RESPONSE TO ELECTION OF SPECIES AND RESTRICTION REQUIREMENTS

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

August 15, 2005

Sir:

In the Office Action mailed July 13, 2005, election of species and restriction requirements under 35 U.S.C. §121 were made as follows:

I. Species disclosed at page 4, lines 20 and 21, resource information are provided on the first page; or

II. Species disclosed at page 4, lines 21 and 22, resource information that are provided but are not provided on a first page; and

III. Claims 1-16, 35, 38, 39, 44, 45, 50, 52, 53, 56, 59, 60, 61, and 63, drawn to communication of a system having a computer and a printer; or

IIII. Claims 21-34, 36, 37, 42, 43, 46-49, 58, and 62, drawn to a computer; or

IIIII. Claims 17-20, 40, 41, 51, 54, 55, 57, and 64, drawn to a printer.

Applicants do not know how to respond to the requirement with respect to the species identified as Groups I and II. There are no independent claims directed to resource information being provided on a first page. Hence, there is no basis for requiring Applicants to elect a species directed to resource information provided on a first page or resource information not provided on a first page. Reformulation of Groups I and II in accordance with the presently pending claims is in order if the election of species requirement is maintained.

Concerning the restriction requirement, Applicants hereby elect, with traverse, the invention of Group III. However, it is respectfully submitted that restriction among the alleged inventions of Groups III, IIII, and IIIII is improper. MPEP §811 states that the Examiner should make a proper requirement as early as possible in the prosecution, in the first action if possible. Otherwise, a restriction requirement should be made as the need for a proper requirement develops.

In the present situation, Applicants could have been required to elect one of Groups III, IIII, and IIIII well before the mailing of a final Office Action and Applicants' filing of a Request for Continued Examination (RCE). Under 37 C.F.R. §1.142(a), restriction is not proper after final rejection. Therefore, issuance of a restriction requirement in this case is incorrect based on 37 C.F.R. §1.142(a).

In fact, if the election of one of Groups III, IIII, and IIIII were to be required, the restriction requirement should have been made with respect to the originally filed claims. The originally filed claims were directed to a communication system having a computer and a printer (i.e., Group III), claims 1-16 and 35; claims drawn to a computer (i.e., Group IIII), claims 1-34, 36, and 37; and claims drawn to a printer (i.e., Group IIIII), claims 17-20. The Examiner chose not to require restriction among these three allegedly different groups in the first action. Since the Examiner did not feel the inventions were independent and distinct at that time and the claims are grouped in the same manner as the originally filed claims, it is improper to require restriction at this late stage of prosecution. Inasmuch as the Examiner was willing to prosecute the originally filed claims, there was and is no serious burden by not requiring restriction.

In view of the foregoing remarks, consideration of all claims is in order.

To the extent necessary, Applicants hereby request any required extension of time not otherwise requested and hereby authorize the Commissioner to charge any prescribed fees not otherwise provided for, including application processing, extension, and extra claims fees, to Deposit Account No. 08-2025.

Respectfully submitted,
Richard TAYLOR et al.

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